**HON'BLE SRI G.S. SINGHVI,**

**CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE G. BHAVANI PRASAD.**

-

**W.P. NO. 23312 OF 2005.**

**BETWEEN:**

1. SAMATA,
   A non-governmental organization,
   Rep. By its Executive Director,
   Rabbapragada Ravi,
   R/o 10-123, Plot No.154,
   Sector V, Visalakshi Nagar,
   Vishakhapatnam,
   and another.

**…..**

**PETITIONERS.**

AND

1. The Government of Andhra Pradesh,
   Rep. By its Principal Secretary,
   Ministry of Environment, Forests,
   Science and Technology, Secretariat
   Buildings, Hyderabad, and others.

**….. RESPONDENTS.**

**:: ORDER ::**

Counsel for the petitioners : Mr. K.S. Murthy.

Counsel for the respondent No.1: G.P. for Environment.

Counsel for the respondent No.2: G.P. for Revenue.

Counsel for the respondent No.3: Mrs. V. Preeti Reddy.

Counsel for the respondent No.4: None

Counsel for the respondent No.5: Mr. S. Rajan.

**30th JANUARY, 2006.**

**Per G.S. Singhvi, CJ**

**…..**

SAMATA, a non-governmental organization and Fisherman Youth Welfare Association, Peda Jalaripeta, Visakhapatnam, have jointly filed this petition in public interest for issuance of direction to the official respondents to prevent construction activities in part of Sy.No.336, Mathurwada, Chinagadila Mandal, Visakhapatnam, in violation of notification dated 19.02.1991 issued by Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986 and Rule 5(3)(d) of the Environment (Protection) Rules, 1986 (as amended from time to time) under the Coastal Zone Management Plan of Andhra Pradesh.

We would have delved into the issue raised by the petitioners in detail and adjudicated on the entitlement of respondent No.5 to raise construction at the disputed site and also determined whether respondents 1 to 4 are duty bound to prevent any construction activity undertaken in violation of notification dated 19.02.1991, as amended from time to time, but the necessity of doing so has been obviated because learned counsel representing respondent No.5 says that his client will not undertake any construction activity without seeking permission from the competent authority and in accordance with law.

In our opinion the statement made by learned counsel for respondent No.5 is equivalent to an undertaking given to the Court that no construction activity will be undertaken at the site without obtaining permission/sanction from the competent authority in accordance with law and, therefore, no order is required to be passed on the prayer made in the writ petition.

With the above observation, the writ petition is disposed of. However, liberty is given to the petitioners to seek revival of the writ petition if respondent No.5 or any other person undertakes construction activity at the disputed site without obtaining permission/sanction from the competent authority or such construction violates the provisions of notification dated 19.02.1991, as amended from time to time. No costs.

-

**G.S. SINGHVI. CJ**

**G. BHAVANI PRASAD. J**

**Dated: 30.01.2006.**

**VRK.**

-

**HON'BLE SRI G.S. SINGHVI,**

**CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE G. BHAVANI PRASAD.**

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

**W.P.NO. 23312 OF 2005.**

**( Order of the Bench delivered by**

**Hon'ble The Chief Justice )**

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

**Dt: 30-01-2006.**